

OFFICIAL GAZETTE

GOVERNMENT OF GOA



GOVERNMENT OF GOA

Department of Personnel

Notification

6/51/87-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules, namely:—

1. (1) These rules may be called Goa State Civil Services (Encashment of Earned leave), Rules, 1989.

(2) They shall come into force with effect from 1-7-1989.

2. *Surrender of earned leave.*— (1) A Government employee shall be allowed to surrender earned leave, at his option, to the extent of 30 days in a calendar year on availment of not less than 30 days earned leave subject to the following conditions:—

(a) the surrender of earned leave shall not be allowed more than once in any calendar year.

(b) the application for surrender of earned leave should be made alongwith the application for grant of leave.

(c) the number of days of earned leave surrendered under these rules shall be reckoned as surrendered on the date of commencement of actual leave taken and deducted from the leave account of the Government employee on that date.

(d) the total of the earned leave actually availed of and the earned leave surrendered shall not exceed the maximum leave admissible to the Government employee at any one time viz. 120 days.

(e) the balance of earned leave at the credit of the Government employee after debiting the sum total of earned leave availed and earned leave surrendered, shall not be less than 15 days.

(f) on return from earned leave, the Government employee shall serve the Government for a period of not less than that of the earned leave surrendered.

(g) in the case of a Government employee who is on the verge of retirement, the period of leave surrendered shall not exceed the period of duty between the date of expiry of earned leave actually availed of and the date of retirement.

(h) the surrender of earned leave shall not be allowed in the case of leave preparatory to retirement or refused leave.

(i) the surrender of earned leave shall not be admissible to a Government employee who resigns while on leave.

(j) a Government employee who is permitted to surrender leave shall not ordinarily be permitted to rejoin duty before the expiry of the thirty days leave sanctioned to him.

(k) in case of compulsory recall to duty, the Government employee should be allowed to enjoy the balance of his earned leave before expiry of the period of six months from the date on which he proceeded on earned leave or before he again proceeds on earned leave with surrender of earned leave, whichever is earlier. The leave sanctioning authority shall grant leave to such a Government employee during the prescribed period if he applies for it. If, however, the Government employee concerned himself does not ask for being allowed to enjoy the balance of the earned leave, the balance of the earned leave shall lapse and the said period would be debited to his leave account as if he had enjoyed it.

(l) the concession shall be admissible to a Government employee who is on foreign service or on deputation to the Government of India or to any other State Government.

(m) if a Government employee during his deputation to Central Government or other State Government or at the end of it, surrenders earned leave at his credit and in consideration thereof becomes entitled to additional remuneration representing cash value of the leave surrendered, the liability for the payment of additional remuneration including other compensatory allowances relating to the cash value of leave surrendered, will devolve on the Government of Goa.

(n) in the case of Government employee who is on foreign service, a clause to the effect that the Government employee shall be entitled to the benefit of surrender of leave and the expenditure towards compensatory allowances including dearness allowance on the leave surrendered while on foreign service, shall be borne by the foreign employer, should be incorporated in the terms and conditions.

(2) The authorities who are empowered under CCS (Leave) Rules, 1972 to sanction earned leave shall be competent to accept surrender of earned leave.

(3) The leave salary and allowances admissible for the leave surrendered shall be at the rate of leave salary and allowances admissible for earned leave availed at the commencement of earned leave. For this purpose, a month shall be reckoned as of 30 days, irrespective of the month in which the leave is availed of.

(4) The regulation of grant of annual increment shall be as laid down in Fundamental Rules with reference to earned leave availed of and not with reference to earned leave surrendered.

(5) The amount of leave salary and allowances for the surrendered leave may be claimed in advance but not earlier than six days before the commencement of leave and shall not be liable to deductions on account of any advances etc. The leave sanctioning authority shall insert a clause in the sanctioning order itself to the effect that in case the leave had to be cancelled by the competent authority before the date from which the Government employee was to proceed on leave, the amount of leave salary and allowances for the surrendered leave shall be refunded forthwith to Government by the Government employee in one instalment or adjusted in full in the first monthly pay/leave salary bill of the Government employee.

(6) (a) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered in the case of non-Gazetted Government employee and Gazetted Officers details of the surrendered leave shall be noted in their service books/cards and in their leave accounts conspicuously when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the service book and the leave account, should be furnished by the Drawing and disbursing officer in the bill in which the leave salary for the surrendered leave is drawn.

(b) In respect of Gazetted Officers, the Accounts Officer who certifies the admissibility of earned leave, shall debit in the leave account of the Gazetted Officer concerned, the amount of earned leave surrendered on receipt of orders accepting the surrender of leave from the competent authority.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 16th August, 1989.

Department of Science, Technology
& Environment

Notification

15-2-89-STE

In exercise of the powers conferred by section 64 read with section 52 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Government of Goa hereby makes the

following rules so as to amend the Water (Prevention and Control of Pollution) Rules, 1988, namely:—

1. *Short title and commencement.* — (1) These rules may be called the Goa Water (Prevention and Control of Pollution) (Amendment) Rules, 1989.

(2) They shall come into force at once.

2. *Amendment of rule 1.* — In the Water (Prevention and Control of Pollution) Rules, 1988 (hereinafter referred to as the "principal Rules"), in rule 1, for the expression "Water (Prevention and Control of Pollution)", the expression "Goa Water (Prevention and Control of Pollution)" shall be substituted.

3. *Amendment of rule 26.* — For rule 26 of the principal Rules, the following rule shall be substituted, namely:—

"26. *Power to take samples of effluents by Board and form of notice.* — (1) The Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis, samples of Water from any stream or well or samples of sewage or trade effluent, which is passing from any plant or vessel or from or over any place into any such stream or well (hereinafter referred to as the "said samples") after serving on the person in charge of, or having control over, the plant or vessel or in occupation of the place, a notice in Form I to that effect, and submit the said samples to the State Water Laboratory alongwith a letter in Form 1A.

(2) The State Water Laboratory shall cause to be analysed the said samples received by it from the Board or any officer empowered by it in this behalf".

4. *Insertion of Form 1A.* — In the principal Rules, in the schedule, after Form I, the following Form 1A shall be inserted, namely:—

"FORM 1A"

(See rule 4)

Form of letter for submission of samples to the State Water Laboratory.

To

The Government Analyst
State Water Laboratory

Sir,

I am submitting sample No./Nos. ... of water/ /sewage/trade effluent taken from M/s. ... on ... according to the provisions of section 21 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

Sample No.	Point of collection	Parameter to be analysed
.....
.....
.....

Yours faithfully,

(Signature of the officer taking sample)

Designation: —

Copy forwarded to the Member Secretary, Goa State Pollution Control Board.

.....
(Name and signature of the officer taking sample)

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa (STE Dpt.).

Panaji, 11th August, 1989.

Law (Legal and Legislative Affairs) Department

Notification

7-11-89/LA

The Maharashtra Co-operative Societies (Goa Amendment) Act, 1989 (Goa Act No. 16 of 1989) which has been passed by the Legislative Assembly of Goa on 7-4-1989 and assented to by the Governor of Goa on 20-7-1989 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd August, 1989.

The Maharashtra Co-operative Societies (Goa Amendment) Act, 1989

Goa Act No. 16 of 1989 [20-7-1989]

AN ACT

to amend the Maharashtra Co-operative Societies Act, 1960 in its application to State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Maharashtra Co-operative Societies (Goa Amendment) Act, 1989.

2. It shall come into force at once.

3. *Amendment of Section 73H.* — After sub-section (2) of Section 73H of the Maharashtra Co-operative Societies Act 1960 as applied to the State of Goa (hereinafter referred as the 'principal Act') the following sub-section (2a) shall be inserted namely:—

(2a) Where any members are elected at general elections on the Committee of any society to which section 73H of the principal Act applies and the period of three years from the date of the first meeting is not over in their case before

the amendment of sub-section (2) by the Maharashtra Co-operative Societies (Goa Amendment) Act, 1989 comes into force, such members shall be entitled to hold office for a period of five years as provided in the said sub-section (2) as amended."

Secretariat Annexe,

Panaji,

Dated: 3-8-1989.

B. S. SUBBANNA

Secretary to the Government of Goa,
Law Department (Legal Affairs)

Legislature Department

LA/B/1740/1989

Dated 21-8-1989

The following Bill which was introduced in the Legislative Assembly of Goa on 11-8-89 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Unemployment Assistance and Self-Employment Scheme Bill, 1989

(Bill No. 20 of 1989)

A BILL

to provide assistance for the unemployed in the State of Goa and to lay out a scheme for their self employment.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows:

CHAPTER I Preliminary

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa Unemployment Assistance and Self Employment Scheme Bill, 1989.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* — In this Act, unless the context otherwise requires,—

(a) "bank" means any nationalised bank;

(b) "family income" means income of the family from all sources including the income of spouse, parents, unmarried brothers and sisters, sons and daughters and other members living in the same house;

(c) "Government" means Government of Goa;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Unemployment Assistance" means monthly allowance paid by Government under the Act to such of those unemployed persons as are eligible;

(f) "unemployed person" means any person who has passed the S.S.L.C. or equivalent Examination, and having a family income of less than rupees four thousand per annum and whose name has been validly registered in an Employment Exchange in the State of Goa and who has been continuing without any employment on the live register for the preceding three years as on the first day of the year in which the application under this Act is submitted, but excluding students and persons below 18 years and over 35 years of age as on the first day of the said year.

Explanation:—(i) Pass in the S.S.C. or equivalent Examination will not be insisted on in the case of applicants belonging to Scheduled Castes and Scheduled Tribes and Other Backward Classes. Such applicants shall be treated as unemployed persons for the purpose of this Act if they have appeared for the S.S.L.C. or equivalent Examination.

(ii) Applicants who have secured continuous employment for one year or more with or without break, within the above period of 3 years will be excluded. If the employment was for less than one year with or without break, the period of 3 years will be extended by such period.

(iii) For the purpose of this Act "student" shall include students of all Government/Private Institutions as well as those who do not undergo a formal course in any institution but are engaged in private studies.

CHAPTER II

3. *Eligibility.*—Such of those unemployed persons as coming within the purview of the definition in section 2(d) of this Act shall be eligible for the assistance contemplated in the Act for a period not exceeding four years or for such shorter period as may be specified by the Government from time to time subject to the condition that no such unemployed person who is in receipt of any honorarium, stipend, allowance or ex-gratia payment in excess of rupees two hundred and fifty per month or those who are receiving the benefit of any pension or welfare schemes implemented by the Government shall be eligible for assistance under the Act.

4. *Financial Assistance.*—Subject to the provisions of section 8, every unemployed person shall be entitled to receive a monthly allowance of rupees two hundred and fifty if he is eligible for assistance under the Act. If any applicant after submitting his application for assistance, secures any employment, no assistance shall be paid to him if the period of such employment covers the whole of the period for which assistance is to be granted during the year concerned. However, in cases of employment for shorter periods assistance eligible after deducting the amount in respect of such period or periods of employment shall be paid to the applicants.

5. *Procedure for grant of assistance.*—Such of those persons as are qualified for assistance under

the Act will present applications in duplicate in the prescribed form to the Collector concerned. On receipt of the application the Collector concerned shall verify the eligibility of the applicants with reference to the records in the Employment Exchange and then cause enquiries to be conducted in respect of such eligible cases by the Secretary of the village panchayats concerned who in turn shall after enquiries record their findings thereon as to the family income and employment status of the applicants and whether he is a student and such other details given in the application. The Collector shall consider the applications after they are returned after enquiry by the Secretary of village panchayat concerned and may either sanction or reject the case according to the merit of each case. List of sanctioned and rejected cases shall be published at the Village Panchayat Office, bank and the Employment Exchange concerned. Before rejecting an application notice shall be given to the affected party who shall file objections, if any, within a period of one month from the date of notice. Such cases shall be disposed by the Collector after giving an opportunity of hearing to the affected party.

6. *Appeal.*—Any person aggrieved by the order of the Collector shall file an appeal, within a period of two months from the date of the order, to the Secretary, Labour whose decision thereon shall be final.

7. *Mode of payment of assistance.*—The monthly allowance shall be disbursed in every two months to the eligible beneficiaries through banks selected for the purpose. For this purpose the Collector will intimate the amount required for the particular district to the Commissioner, Labour and Employment. It shall be the responsibility of the Commissioner, Labour and Employment to place at the disposal of the banks concerned every two months, the amount required for all the district with a district-wise break-up of the amount. Banks concerned in turn will disburse the amount of the assistance to the applicants as per the sanctioned list.

8. *Requirement to participate in work programmes.*—The recipients of the Unemployment Assistance may be required to participate in any work programme specified by the Government for which remuneration, in addition to the unemployment assistance, will be paid to them at the rate to be fixed by the Government from time to time.

9. *Maintenance of Accounts.*—The banks will render bi-monthly statements of accounts of payments made under the Act to the Collector who will be the authority responsible for implementation of the Act.

10. *Liability of persons receiving assistance.*—Any person in receipt of assistance under this Act shall be bound to report forthwith to the banks and Collector concerned the fact of his receiving any employment and financial assistance to him shall thereupon be discontinued forthwith.

11. *Refusal to participate in Work Programmes.*—In case any person refuses to participate in the Work Programmes as directed by the Government the payment of assistance shall be discontinued and any payment already made will be recovered.

CHAPTER III Self Employment Scheme

12. *Eligibility.*—An unemployed person as defined in section 2(f) of this Act shall be eligible for the benefit of the self employment scheme contemplated in this chapter:

Provided that the minimum educational qualification prescribed in the said section shall not be applicable in the case of applicants for Self-employment Scheme: and

Provided further that the upper age-limit in respect of such applicants shall be 40 years instead of 35 years as prescribed in the said section.

13. *Application for Self-Employment Project.*—An unemployed person who intends to start a self-employment project as contemplated in this Act may apply in the prescribed form in duplicate to the Commissioner, Labour and Employment of his district within the prescribed time limit. Procedure for verification of applications and filing of appeals in this regard shall be the same as prescribed in section 5 and 6 respectively of this Act.

14. *Suitability and viability of Projects.*—Applications selected after verification in each district shall be placed before the District Level Committee to be appointed by the Government which shall after scrutiny take appropriate decision regarding the suitability of the applicant to undertake the proposed project and the feasibility of the project proposed and the decisions of the committee in this regard shall be final.

15. *Help and advance.*—It shall be the duty of the Commissioner, Labour and Employment to help the beneficiaries selected under the Act in the successful launching of the self-employment project including help in such matters as procurement of raw materials, provision of know-how and market facilities, imparting of training in necessary skills, etc.

16. *Financial Assistance.*—Each beneficiary selected under the Act shall be paid a lump sum assistance of rupees six hundred at the initial stage itself, subject to the condition that such beneficiaries shall not be eligible for any further assistance as contemplated under section 4 of this Act. However requests for provision of additional financial assistance after the commencement of the self employment project shall be considered by the Government on merits in each case.

17. *Bank Assistance.*—The lump sum assistance so received shall be deposited in the bank as seed money by the beneficiaries and the bank shall advance loans upto rupees five thousand per head at the differential interest rate of 4% to such of those beneficiaries whose family income does not exceed rupees three thousand five hundred and at the normal rate of interest to others.

Explanation: In computing the family income of applicants under self-employment scheme the income of unmarried brothers and sisters if any, will not be taken into account.

18. *Partnership firms of self-employed person.*—In order to start project of relatively large size, the beneficiaries may join together and form partnership firms to enable them to pool their resources and skills. They will be eligible for lump sum assistance and bank loans as in individual cases. The terms of deeds relating to such partnership firms shall be as prescribed by the Commissioner, Labour and Employment.

19. *Powers of Control.*—The assistance under the Act and the loans from the bank shall be granted both to individual beneficiaries and the partnership firms only subject to the following conditions:—

(i) the project shall be managed in accordance with directions and advice given from time to time by the Commissioner, Labour and Employment and the banks concerned;

(ii) any change, deviation or alteration suggested by the Commissioner, Labour and Employment or the bank shall be carried out forthwith by the beneficiaries;

(iii) the Commissioner, Labour and Employment and the bank shall have power to inspect the working of the project and its accounts at any time as required by them;

(iv) the Commissioner, Labour and Employment and the bank shall exercise such control over the projects as are found necessary in each case.

CHAPTER IV General

20. *Penalty for false claims.*—Any false information furnished by any applicant in respect of employment status, family income or any other details, or any delay or omission in reporting the fact of receiving employment as provided in section 10 above will entail deterrent penal action such as cancellation of employment registration, debarring from public appointment, recovery of amount already paid, etc.

21. *Overall Control.*—The Commissioner, Labour and Employment will be in overall charge of the scheme and may issue necessary instructions in regard to its proper implementation from time to time. He may also prescribe such periodical returns necessary for watching its implementation.

22. *Savings.*—The Government shall have power to make any changes in the scheme or issue any classifications in respect of the scheme whenever necessary. The decision of the Government on points of dispute shall be final.

Statement of Objects and Reasons

The number of educated youth waiting for employment under live register maintained by the Employment Exchange is alarming and it goes on increasing day by day. These youths' will naturally become frustrated. It is therefore considered necessary to encourage these unemployed by giving some assistance and providing some scheme for their self employment. The Bill proposes to achieve the same. The Bill is based on the scheme existing in Kerala.

as the same will depend on the number of applicants. It is very difficult to work out any statistics at this stage as the eligible persons are to be worked out in accordance with the family income and the age group.

Panaji

1st August, 1989.

LUIZINHO FALEIRO

M. L. A.

Financial Memorandum

It is not possible to assess at this stage the financial implications of the implementation of the Bill

Assembly Hall

Panaji

1st August, 1989.

M. M. NAIK

Secretary to the Legislative

Assembly of Goa